IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 27128 of 2005

Between:

K. Srinivasalu

..... PETITIONER

AND

Central Power Distribution Company of A.P., Ltd.,

(AP TRANSCO), having office at Singareni Bhavan,
Hyderabad, rep. by its Managing Director and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 2nd respondent in not disposing of the appeal filed by the petitioner against the assessment order dated 23.08.2005 passed by the Divisional Engineer in terms of Section 126 of the Electricity Act, 2003, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

It is stated that Service Connection No.646, L.T.Category-I was provided to the petitioner in respect of his house bearing No.2-69, situated at Jonnagiri village, Tuggali Mandal, Kurnool District. A provisional assessment notice dated 08.06.2005 was issued estimating the pilferage charges of Rs.91,598-35ps. It is also stated that the service connection has been disconnected on 26.05.2005 with final reading 2459. It appears that the petitioner has not made any representation, therefore, the final assessment order has been passed on 23.08.2005 by the Divisional Engineer, Assessments-II, APCPDCL, Himayat Nagar, Hyderabad. As against the said order, the petitioner filed an appeal before the 2nd respondent on 05.11.2005, requesting the appellate authority to pass orders in the appeal by following the due procedure prescribed under Section 126 of the Electricity Act, 2003 (for short 'the Act').

When an appeal is filed, the appellate authority is expected to pass orders in accordance with law, particularly, in accordance with guidelines prescribed in Sec.126 of the Act. I do not see any basis for apprehension of the petitioner that the appellate authority is not following the prescribed procedure and the principles laid down under Section 126 of the Act.

Having regard to the facts and circumstances of the case, the

2nd respondent is directed to consider and dispose of the appeal, in accordance with law, particularly in accordance with the principles laid down in Section 126 of the Act, after giving a reasonable opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 21.12.2005

Dsr